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REMARKS

Claims 8-14 remain pending in this application. In the Final Office Action dated January 11, 2006, Claims 8-11 and 14 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. 4,943,333 to Chang ("Chang") in view of U.S. 1,527,748 to Rambow ("Rambow"). Claims 12 and 13 were found to be allowable if rewritten in independent form to include all the limitations of their respective base claims and any intervening claims.

Claims 12 and 13 have been rewritten in independent form to include all the limitations of base Claim 8. It is respectfully requested that these claims be allowed.

The rejections of Claims 8-11 and 14 are traversed on the grounds that neither of the cited references teach or suggest a billiard cue comprising a shaft having a wood core where the wood has "a density below about 9 grams per cubic inch."

In the Office Action, the Examiner admits that this feature is not disclosed in the primary Chang reference. However, the Examiner asserts that "as disclosed in Rambow it is known in the art to use light woods to form cue sticks." Applicant submits that Rambow contains no such teaching.

As is explained in the present Specification, cue sticks are traditionally made from maple or another relatively hard wood material having a density of 11-12 grams/cubic inch, for example. This would be the understanding of the ordinarily skilled artisan, without the hindsight benefit of the present invention, when reading the cited Rambow reference. Rambow discusses a three-piece cue stick having a butt section 7, an intermediate shaft section 8, and a tip section (detachably connected at 20 in Fig. 1). Rambow states that it is customary to use hard wood, and in particular, heavy imported woods, for the butt section 7, and a "lighter or softer wood" *relative to the heavier imported wood of the butt* for the shaft section 8. (See e.g, col. 1, lines 15-18, 33-38, col. 2, lines 84-88). (It is noteworthy that Rambow does not discuss any material for the tip end of the cue). Rambow states that in his cue, the more expensive heavy foreign woods can be replaced with American woods due to the addition of a metal rod within the cue that can be adjusted to provide the appropriate weight and balance to the cue. One of ordinary skill would understand the "lighter" woods for the intermediate shaft 8 as being conventional woods used for cue sticks, such as maple (which is in abundance in North America, and would not need to be

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imported). Rambow does not teach using "lighter than standard" wood as the Examiner asserts. Instead, Rambow would be understood as teaching *standard* wood for the shaft, and optionally *heavier* imported wood for the butt. One of ordinary skill in the art who is familiar with the types of woods traditionally used in the manufacture of cue sticks would clearly *not* understand Rambow as suggesting the use of wood having a density of less than 9 grams/cubic inch.

Applicant believes the use of such a light wood is contrary to the customary and accepted wisdom in the industry. It is noted that despite the Examiner's assertion that Rambow implicitly taught the use of "lighter than standard" wood more than eighty years ago, the Examiner has not shown a single example of a cue stick comprising a shaft having a wood core where the wood has "a density below about 9 grams per cubic inch," as is presently recited. If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner is requested to provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding (MPEP § 2144.03).


Since the cited references fail to teach or suggest the invention as claimed, it is respectfully submitted that the rejections of Claims 8-11 and 14 are overcome, and that the present claims should be allowed.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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